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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,772	06/27/2007	Serge Jose Do Camo	21203-002US1	1326

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EXAMINER

MOHSENI, ALAEDDIN

ART UNIT	PAPER NUMBER
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3632

NOTIFICATION DATE	DELIVERY MODE
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05/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/596,772	Applicant(s) DO CAMO, SERGE JOSE	
	Examiner ALAEDDIN MOHSENI	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 11, 12 and 14-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/27/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is a First Office Action Non-Final rejection on the merits.

Claims 1-20, as originally filed, are currently pending and have been considered below.

Election/Restrictions

1. Applicant's election without traverse of species I (claims 1-10, 13, 19 and 20) in the reply filed on 04/20/2010 is acknowledged. Claims 11-12, and 14-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/20/2010.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is meant by "the force exerts a trust on the load" in claim 1 and "the elastic device being in a plan different from a plan of the panel" in claim 2.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Herrstrom (4,737,048).

Regarding claim 1, Herrstrom discloses (Currently Amended) A displacement device for a repositionable load that is submitted to the thrust of a force, comprising at least one support arm (36, 37) being linked at one extremity with an elastic mounting device (50-53) whose opposite extremity is interdependent with a removable repositionable fastening device on the load (54, 56, 58, 60), aforesaid support arm being driven into displacement by a driving device, said device being such that when the force exerts a thrust on the load, at least one elastic mounting device undergoes a compression and at least one elastic mounting device undergoes an extension, while temporarily steadying the interdependent load with aforesaid displacement device (see Fig. 1).

Regarding claim 3, Herrstrom discloses at least three elastic devices.

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Regarding claim 4, Herrstrom discloses the three elastic devices comprise springs.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 5-10, 13, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrstrom (4,737,048).

Regarding claim 2, Herrstrom discloses (Currently Amended) A steadying device on a bracket (34) of a panel (12) perpendicular to a thrust, in an appreciably vertical position, comprising at least two support arms (36, 37), each having one extremity linked to the panel (12), and the opposite extremity linked to one extremity of an elastic mounting device (50-53) whose opposite extremity is interdependent with a removable repositionable fastening device (54, 56, 58, 60) on the support, the elastic device being in a plan different from a plan of the panel in such a way that when a thrust is exerted on the panel, at least one elastic mounting device undergoes a compression, and at least one elastic mounting device undergoes an extension, while steadying the panel in its initial position.

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Herrstrom does not disclose thrust of a fluid. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the device inside a fluid, since it was known in the art that the device works the same way inside a gas (e.g. air) or a fluid.

Regarding claim 9, Herrstrom discloses the support arms are part of a support plate constituted by said arms coupled through their panel interdependent sides.

Regarding claim 5, Herrstrom does not disclose the three elastic devices comprise a piston-cylinder system (claim 5), and the removable repositionable fastening device comprises magnets (claim 6), or a suction cup (claim 7), and the support is mobile (claim 13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a piston-cylinder system instead of springs, use magnets or suction cup instead of screws, since it was known in the art that piston-cylinder systems are commonly used as elastic devices, and magnet and suction cups for fastening devices.

Herrstrom does not disclose the support arms are comprise L- supports having an appreciably triangular shape with one side interdependent with the panel (claim 8), and the panel comprises a double-sided panel or a cylindrical panel (claim 10).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the panel support and panel with a variety of shapes, since there is no invention in merely changing the shape or form of an article without changing its function except in a design patent. *Eskimo Pie Corp. v. Levous et al.*, 3 USPQ 23.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In addition to the aforementioned references, the Applicant is encouraged to review form PTO-892, as it discloses U.S. Patents that relate to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAEDDIN MOHSENI whose telephone number is (571)270-5761. The examiner can normally be reached on M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Allen Shriver can be reached on (571)272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. ALLEN SHRIVER II/
Supervisory Patent Examiner, Art Unit 3632

AM